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Attorney for: Defendant
DARRYL PETERSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE WILLIAM Q. HAYES)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARRYL PETERSON

Defendant

CASE NO: 10-CR-2792-WQH-3

JOINT MOTION AND ORDER FOR
EARLY TERMINATION OF
SUPERVISED RELEASE

Defendant in the above entitled case, DARRYL PETERSON, by and
through his previously appointed counsel, Charles Adair, and Assistant United
States Attorney Eric Beste, hereby moves the court for an order terminating Mr.
Peterson's Supervised Release early pursuant to 18 U.S.C. § 3583(e)(1).

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Statement of Facts

On April 19, 2010, three men robbed the Citibank at 3777 Avocado Boulevard in La Mesa, California. (PSR pg.1 ¶4) The three individuals were later identified as co-defendant Tamim Abdul-Samad, co-defendant Mustafa Ahmad Naushad and Darryl Peterson. (PSR pg.1 ¶5) After entering the bank, Mr. Abdul-Samad brandished a handgun and yelled “Get down!” while Mr. Naushad and Mr. Peterson jumped over the teller counter and gathered the money. *Id.* During the robbery, three tellers reported being kicked in the head or stepped on (PSR pg. 2 ¶1), but none reported physical injuries and Mr. Peterson denies making intentional physical contact with any of the tellers (PSR pg. 3 ¶2). After the robbery the proceeds were split equally amongst the three men (PSR pg. 3 ¶6).

Citibank reported a loss of \$11,745.12 in the bank robbery (PSR pg. 13 ¶8). On July 9, 2010, Mr. Peterson was taken into custody by the FBI and charged in the Southern District of California for the abovementioned offense in case 10-cr-2792-WQH-3.

Procedural History

On September 10, 2010, Mr. Peterson pleaded guilty to one count of Title 18 U.S.C. §§ 924(c) and 2- (Brandishing a Firearm in Relation to a Crime of Violence; Aiding and Abetting). On May 31, 2011, Mr. Peterson was sentenced by this court to 54 months in prison and 5 years of Supervised Release, and was

1 ordered to pay a \$100 Special Assessment and Restitution in the amount of
2 \$11,745.12, jointly and severally with his co-defendants. Mr. Peterson began his
3 Supervised Release on June 11, 2014. On June 18, 2015, Magistrate Judge Jill L.
4 Burkhardt entered an order of Appearance of Judgment Debtor as to Mr. Peterson.
5 This order was removed on July 27, 2015 at the request of the Financial Unit of the
6 United States Attorney's office. To date, Mr. Peterson has paid \$11,113.00 of the
7 court ordered restitution with only \$839.94 in financial penalties remains unpaid.
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11 Argument

12 A defendant's supervised release may be terminated at any time after the
13 expiration of one year of supervision if the Court is "satisfied that such action is
14 warranted by the conduct of the defendant released and in the interest of justice."
15 18 U.S.C. 3583(e)(1).¹ See also Fed. R. Crim. Procedure 32.1(c)(1). (2)(B)(C)
16 (providing for hearings for modification of supervised release, unless the result is
17 favorable to the person supervised and the government does not object).
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20 Since his release from prison, Mr. Peterson has been working as a delivery
21 driver for Postmates and has made significant progress in paying off the court
22 ordered restitution. Mr. Peterson has expressed concern about the high cost of
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25 ¹ "(e) Modification of conditions or revocation. The court may, after considering the factors set
26 forth in 18 U.S.C. Section 3553(a)(1), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6) and (a)(7)...(1)
27 terminate a term of supervised release and discharge the defendant released at any time after the
28 expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of
Criminal Procedure relating to the modification of probation, if it is satisfied that such action is
warranted by the conduct of the defendant released and the interests of justice." 18 U.S.C. §
3583(e)(1).

1 living in the San Diego region and believes that relocating to either Phoenix or
2 Texas would provide him and his wife with a greater opportunity for success. To
3 date, Mr. Peterson has completed approximately 4 years and 6 months of the 5 year
4 Supervised Release term.
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7 Counsel for Mr. Peterson has spoken to Mr. Peterson's Probation Officer,
8 Tim Noggle, and Mr. Noggle does not oppose the early termination of Mr.
9 Peterson's Supervised Release.
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11 Accordingly, the parties respectfully request that Mr. Peterson's supervised
12 release be terminated early.
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14 Dated: 12/24/2018

15 s/Eric Beste

16 Eric Beste
17 Assistant United States Attorney
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s/Charles Adair

Charles Adair
Attorney for Darryl Peterson